IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPEALLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.3877 OF 2004
IN
CRIMINAL APPEAL NO.1081 OF 2004

Lalji Hiralal Yadav & Ors. ..Applicants
Vs.
The State of Maharashtra ..Respondents

Mr.R.D.Suryawanshi,Adv. for Applicants
Mr.A.M.Shringarpure, A.P.P. for Respondents

CORAM: V.M.KANADE,J.
DATED: 21ST SEPTEMBER, 2004.

P.C.

. Heard learned Counsel appearing on behalf of the Applicant and the learned A.P.P. for the State. Applicants are convicted under Section 326 r.w. 34 of Indian Penal Code and also sentenced to suffer R.I. for five years and to pay fine. The applicants were charged under Sections 147, 148, 302,149 r.w. 34 of Indian Penal Code. The deceased was assaulted and there after he was admitted ind the hospital. The dying declaration is on record. He had also informed his brother about the incident. Though the trial Court has disbelieved dying declaration of the deceased so far as the assault by sword is concerned. The accused were in jail for almost a year in the trial Court during the pendency of the trial. Appeal is not likely to come up for hearing atleast for a year. The injuries which were affected on the deceased were not incised wounds. Under these circumstances the applicants

are directed to be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount.

JUDGE